DETAILED ACTION

1. This office action is in response to the amendment of February 27, 2009. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.

2. The prior Final Office Action date July 2, 2009 did not address the addition of claim 32 and it therefore not a full response to the amendment of February 27, 2009. The period for response will be effective from the mail date of the instant office action.

3. The examiner acknowledges the amendments to claims 1, 12, and 13. The examiner further notes the addition of claim 32.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 11-14 rejected under 35 U.S.C. 102(b) as being anticipated by Kim US 2002/0179778 A1. Kim teaches all the limitations as claimed for a compressor including: **[claim 1]** a closed container 101 which stores oil and accommodates a compressing element 130 for compressing refrigerant and an electrically-powered element 103 for driving the compressing element 130, wherein the electrically-powered element 103 includes a stator 104 and a rotor 105, the compressing element 130 includes a shaft 107 which extends in a vertical direction and rotates, and a viscous pump (112 of 120) which is formed inside the shaft 107 and communicates with the oil,

and the viscous pump (112, 120) having a cylindrical hollow portion 250 formed in the shaft 107, an insertion member 240 coaxially and rotatably inserted into the cylindrical hollow portion 250, a spiral groove 242 formed between the inner surface of the cylindrical hollow portion 250 and the outer surface of the insertion member 240 along a direction where the oil rises, and prevention means (145 and 147 as per ¶0053 of the disclosure of Kim as applied to the embodiment of figure 4 having common components as the embodiment of figure 3) for preventing rotation of the insertion member 240, wherein the cylindrical hollow portion 250 is formed in a sleeve 211 being substantially cylindrical and comprising an upper face (see figure 5 wherein the upper rim of element 211 constitutes a face of on the end of a cylinder as the rim has a cross-sectional area - thickness - greater than a mere constituting the circumference of a cylinder) having a path hole (as define by the central bore defined by the inner radial surface of element 211) through which oil flows (Kim - ¶0061-0063; ¶0073); **[claim 11]** wherein the prevention means (145 and 147 as per ¶0053 of the disclosure of Kim as applied to the embodiment of figure 4) is an impeller 147 formed on the insertion member 140 (via 145) to produce viscous resistance between the impeller 147 and the oil (¶0053); **[claim 12]** the sleeve 211 is fixed to the shaft 107, (Kim - ¶0057 as applied to the embodiment of fig. 4); **[claim 13]** wherein a top of the insertion member 240 being rotatably connected (Kim - ¶0059 as applied to the embodiment of fig. 4) with the upper face (see figure 5 wherein the upper rim of element 211 constitutes a face of on the end of a cylinder as the rim has a cross-sectional area - thickness - greater than a mere constituting the circumference of a cylinder); **[claim 14]** wherein the sleeve 211 is

substantially cylindrical and has a bottom face (defined by bottom end of element 211), a bottom of the insertion member (240 in the area of element 145) being rotatably connected with the bottom face of the sleeve 211, by derivative of the connection between element 240 and 211 defined by the interaction of elements 122, 232, 233, and 141 (as element 141 is a common element to the embodiments of figures 3 and 4).

Allowable Subject Matter

6. Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed February 27, 2009 have been fully considered but they are not persuasive. The applicant argues that Kim US 2002/0170778 fails to teach a cylindrical hollow portion being substantially cylindrical and comprising an upper face having a path hole through which oil flows. The examiner disagrees, and the rejections of the prior office action have been modified to refer to the embodiment of figure 4 of Kim in light of the aspect of that embodiment shown in figure 5 of Kim. Figure 5 shows sleeve element having a circumferential surface (a rim) on a top end. As discussed above, the rim or the radial cross section thereof, is greater then just a line forming an outer circumference of a hollow shell. In fact the rim must have a certain cross section (radial section/thickness) large enough to adequately form elements 233 in order to receive element 222. Therefore elements 233 are formed within and upper face of element 211. Given the broadest reasonable interpretation the rim of element 211

constitutes an end face and the bore it defines constitutes a path hole through which oil flows as disclosed in ¶0061-0063 and ¶0073.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited on form 892 herewith.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is (571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746